

FIRST REGULAR SESSION

HOUSE BILL NO. 582

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BARTLE AND HOSMER (Co-sponsors).

Read 1st time January 30, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0102L.011

AN ACT

To repeal section 565.225, RSMo 2000, relating to the crime of stalking, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 565.225, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 565.225, to read as follows:

565.225. 1. As used in this section, the following terms shall mean:

(1) "Course of conduct", a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests;

(2) "Credible threat", a threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person;

(3) "Harasses", to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person, **including but not limited to directing verbal, written, electronic or other communications of a threatening nature towards such person, or another person or persons.**

(4) "Unconsented contact", any contact with a specific person or persons that is **initiated or continued without the consent of such person or persons and in disregard of the express desire of such person or persons that such contact be discontinued, including**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **but not limited to:**

18 (a) **Following or appearing within sight of such person or persons;**

19 (b) **Approaching or confronting such person or persons in any place;**

20 (c) **Appearing or lingering at the residence or workplace of such person or persons;**

21 (d) **Entering onto or remaining on property owned, leased, or occupied by such**
22 **person or persons;**

23 (e) **Attempting to communicate with such person or persons by any written or**
24 **electronic means;**

25 (f) **Placing, delivering, or causing to be placed or delivered objects intended to be**
26 **discovered by such person or persons in or on property owned, leased or occupied by the**
27 **such person or persons.**

28 2. Any person who purposely and repeatedly harasses [or], follows with the intent of
29 harassing **or has unconsented contact with** another person commits the crime of **third degree**
30 **stalking.**

31 3. Any person who purposely and repeatedly harasses [or], follows with the intent of
32 harassing [or harasses], **or has unconsented contact with** another person, and makes a credible
33 threat with the intent to place that person in reasonable fear of death or serious physical injury,
34 **or who violates any court order or injunction or the terms of a pretrial release, condition**
35 **of probation or condition of parole which forbids contact with a specified person** commits
36 the crime of [aggravated] **third degree** stalking.

37 4. Any person who purposely and repeatedly harasses, follows with the intent of
38 harassing **or has unconsented contact with** another person, and uses a firearm in any way
39 **during the commission of the crime, or steals or otherwise takes possession of or damages**
40 **or destroys property belonging to such person** commits the crime of **second degree** stalking.

41 5. Any person who purposely and repeatedly harasses, follows with the intent of
42 harassing **or has unconsented contact with** another person, and kidnaps any person or
43 **causes bodily injury or sexual assault upon any person during the commission of the crime**
44 **commits the crime of first degree** stalking.

45 6. The crime of **third degree** stalking shall be a class A misdemeanor for the first
46 offense. A second [or subsequent] offense within five years of a previous finding or plea of guilt
47 against any victim shall be a class D felony. **A third or subsequent offense within five years**
48 **of a previous finding or plea of guilt against any victim shall be a class C felony and shall**
49 **carry a mandatory sentence of not less than one year of incarceration without eligibility**
50 **for parole.**

51 [5.] 7. The crime of [aggravated] **second degree** stalking shall be a class D felony for
52 the first offense. A second [or subsequent] offense within five years of a previous finding or plea

53 of guilt against any victim shall be a class C felony. **A third or subsequent offense within five**
54 **years of a previous finding or plea of guilt against any victim shall be a class B felony**
55 **without eligibility for parole.**

56 **8. The crime of first degree stalking shall be a class C felony for the first offense.**
57 **A second offense within five years of a previous finding or plea of guilt against any victim**
58 **shall be a class B felony. A third or subsequent offense within five years of a previous**
59 **finding or plea of guilt against any victim shall be a class A felony.**

60 **9. The court may direct a convicted stalker to undergo mental health evaluation**
61 **and, if indicated, may order appropriate treatment.**

62 [6.] **10. Any law enforcement officer may arrest, without a warrant, any person he or she**
63 **has probable cause to believe has violated the provisions of this section.**

64 **11. Any victim of any crime of stalking shall be informed of such victim's right to**
65 **assistance and reimbursement by the crime victim's compensation fund and to a secure**
66 **waiting area for public proceedings in the case, and shall be provided a copy of the crime**
67 **victim service provider directory.**

68 **12. If a victim of any crime of stalking provides a mailing address, such victim shall**
69 **receive timely written notice of release from custody of the person arrested, charged, or**
70 **convicted of a crime of stalking against said victim, and of any public proceedings in the**
71 **case.**

72 **13. Law enforcement authorities shall have a duty to respond, as soon as reasonably**
73 **possible, to a report of stalking and to cooperate with the alleged victim in investigating**
74 **such a report.**